

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                 |   |                                   |
|---------------------------------|---|-----------------------------------|
| -----X                          | : |                                   |
|                                 | : |                                   |
| DRYWALL TAPERS AND POINTERS OF  | : |                                   |
| GREATER NEW YORK LOCAL UNION    | : |                                   |
| 1974, AFFILIATED WITH           | : |                                   |
| INTERNATIONAL UNION OF ALLIED   | : |                                   |
| PAINTERS AND ALLIED TRADES AFL- | : | 21-CV-7543 (VSB) (SN)             |
| CIO,                            | : |                                   |
|                                 | : | <b><u>OPINION &amp; ORDER</u></b> |
|                                 | : |                                   |
| Petitioner,                     | : |                                   |
|                                 | : |                                   |
| - against -                     | : |                                   |
|                                 | : |                                   |
| TIGER CONTRACTING CORP.,        | : |                                   |
|                                 | : |                                   |
| Respondent.                     | : |                                   |
|                                 | : |                                   |
| -----X                          | : |                                   |

Appearances:

Lauren Michelle Kugielska  
Barnes, Iaccarino, & Sheppard, LLP  
Elmsford, NY  
lkugielska@bislawfirm.com  
*Counsel for Petitioner*

VERNON S. BRODERICK, United States District Judge:

Before me is Magistrate Judge Sarah Netburn’s unobjected to Report and Recommendation, entered on December 7, 2022. (Doc. 23, the “Report”.) On September 9, 2021, Petitioner filed a petition to confirm an arbitration award. (Doc. 1.) Respondent was served on September 14, 2021. (Docs. 8–9.) Respondent was ordered to file any opposition to the petition by November 4, 2021. (Doc. 7.) Respondent did not oppose the petition or seek an extension of time to oppose. On September 27, 2022, I referred this case to Judge Netburn for a Report and Recommendation. (Doc. 11.) Judge Netburn gave Respondent until October 5, 2022 to file an opposition. (Doc. 12.) Respondent again did not oppose. In the Report, Judge

Netburn recommended that the petition be granted and that the Petitioner be awarded \$20,000 based on the Arbitration Award, \$2,520 in fees, and \$517 in costs, for a total judgment amount of \$23,037, plus post-judgment interest. (Report 7.)

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm'r of Soc. Sec.*, No. 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at \*1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, No. 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at \*1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, despite the Report advising the parties that they could object within fourteen days, neither party filed an objection to the Report. I have reviewed Judge Netburn's detailed and logical Report for clear error and, after careful review, found none. Accordingly, I ADOPT the Report as against Respondent Tiger Contracting Corp.

The Clerk of Court is respectfully directed to enter judgment against the Respondent consistent with the terms stated in the Report and to terminate this action.

SO ORDERED.

Dated: February 23, 2023  
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick  
United States District Judge